REMARKS

Claims 1, 3, 5-11, 13, 15-19, 21 and 23-28 are pending in the application. By this Amendment, claims 1, 11 and 19 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated January 23, 2008.

Allowable Subject Matter:

Applicant gratefully acknowledges the indication it item 4 of the Action that claims 7, 27 and 28 have been allowed.

35 U.S.C. §103(a) Rejection:

Claims 1, 3, 5-6, 8-11, 13, 15-19, 21 and 23-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Angelo (USP 7,073,064) in view of the previously cited reference of Lin (US 2002/0099974). This rejection is respectfully traversed.

Independent claim 1, as amended, now calls for *executing an update, after successful boot-up of said BIOS in said the other memory, of the BIOS in said one memory by writing to said one memory in standby; permitting switching said one memory in standby to in operation when the update of said BIOS in said one memory in standby succeeded.* Independent claims 11 and 19, as amended, now include similar features.

Angelo discloses two separately programmable portions which respectively store the BIOS. In col. 1, lines 39-56 of Angelo, the following matters are described:

> Only half of the memory is updated at one time. The inactive half of the BIOS is overwritten first. Once the system is power cycled the second time, the system is brought up with the newly overwritten portion of the BIOS being active. Subsequently the section containing the older BIOS routine can be updated while it is inactive.

That is, in Angelo, the BIOS in the inactive half of the memory is overwritten first, then the system is power cycled a second time and is brought up with the newly overwritten portion of the BIOS being active.

It is submitted that Angelo fails to teach to the features of independent claim 1 regarding to execute an update, after successful boot-up of said BIOS in said the other memory, of the BIOS in said one memory by writing to said one memory in standby after switching. Instead, Angelo discloses that the BIOS of the inactive half portion of the memory is updated first and then a second boot-up occurs based on the updated version of the BIOS in the previous inactive portion of the memory.

Moreover, in Angelo, once the inactive portion of the memory is updated with the new version of the BIOS and a subsequent boot-up is performed using the new version of the BIOS, Angelo fails to disclose that the now active memory, formerly the inactive memory, is again switched to the inactive state. In other words, once the inactive memory is switched to the active

memory after being updated with a new BIOS and then booted-up, Angelo fails to disclose that

further switching between the status of the two memories is permitted.

In addition, it is also submitted that Angelo discloses that two BIOS are mounted in a

single memory, so switching cannot be executed as claimed in the present invention.

As such, it is respectfully submitted that Angelo also fails to disclose or fairly suggest the

feature of claim 1 regarding *permitting switching said one memory in standby to an operation*

when the update of said BIOS in said one memory in said standby succeeded.

In addition, the Examiner also acknowledges that Angelo does not teach the steps of

switching to the BIOS in said the other memory in standby when the BIOS in one memory cannot

be booted, as called for in claim 1. In order to overcome this deficiency of Angelo, the Examiner

relies on the teachings of the secondary reference of Lin. However, while Lin may disclose

switching to a backup memory, that is Lin switches from the primary BIOS to the secondary

BIOS when the primary BIOS is defective, it is submitted that Lin fails to disclose or fairly

suggest the above-noted drawbacks and deficiencies of Angelo regarding *executing an update,*

after successful boot-up of said BIOS in said the other memory, of the BIOS in said one memory

by writing to said one memory in standby; permitting switching said one memory in standby to in

operation when the update of said BIOS in said one memory in standby succeeded.

Therefore, even if Angelo and Lin can be combined in the manner suggested by the Examiner, such combination would still fail to disclose these features set forth in claim 1 and the similar features set forth in independent claims 11 and 19.

Dependent Claims 3, 13 and 21:

Claim 3 calls for *switching said permitted memory in standby to in operation, and said memory in operation to in standby when said hardware is started up.* Claims 13 and 21 include similar features. It is submitted that Angelo and Lin, singly or in combination, fail to disclose or fairly suggest the features of claim 3 concerning *switching said permitted memory in standby to in operation, and said memory in operation to in standby when said hardware is started up.*

Dependent Claims 5, 15 and 23:

Dependent claim 5 calls for *preventing switching of said memory in standby to said memory in operation when the update of said BIOS in said memory in standby failed.* Dependent claims 15 and 23 include similar features. It is submitted that Angelo and Lin, singly or in combination, fail to disclose or fairly suggest the features of claim 5 concerning *preventing switching of said memory in standby to said memory in operation when the update of said BIOS in said memory in standby failed.*
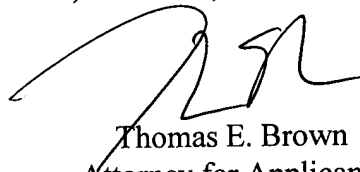
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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